UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's request for reconsideration of the finality of the rejection of the last

Office action is persuasive and, therefore, the finality of that action is withdrawn.

        The amendment to the claims filed on 09/19/2007 does not comply with the

requirements of 37 CFR 1.121(c) because claim 2 is canceled and the claim text should

be removed. Amendments to the claims filed on or after July 30, 2003 must comply

with 37 CFR 1.121(c) which states:

        (c) *Claims*. Amendments to a claim must be made by rewriting the entire claim
with all changes (*e.g.*, additions and deletions) as indicated in this subsection, except
when the claim is being canceled. Each amendment document that includes a change
to an existing claim, cancellation of an existing claim or addition of a new claim, must
include a complete listing of all claims ever presented, including the text of all pending
and withdrawn claims, in the application. The claim listing, including the text of the
claims, in the amendment document will serve to replace all prior versions of the claims,
in the application. In the claim listing, the status of every claim must be indicated after
its claim number by using one of the following identifiers in a parenthetical expression:
(Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented),
(New), and (Not entered).
        (1) *Claim listing.* All of the claims presented in a claim listing shall be
presented in ascending numerical order. Consecutive claims having the same status of
"canceled" or "not entered" may be aggregated into one statement (*e.g.*, Claims 1–5
(canceled)). The claim listing shall commence on a separate sheet of the amendment
document and the sheet(s) that contain the text of any part of the claims shall not
contain any other part of the amendment.
        (2) *When claim text with markings is required.* All claims being currently
amended in an amendment paper shall be presented in the claim listing, indicate a
status of "currently amended," and be submitted with markings to indicate the changes
that have been made relative to the immediate prior version of the claims. The text of
any added subject matter must be shown by underlining the added text. The text of any
deleted matter must be shown by strike-through except that double brackets placed

before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, *i.e.*, without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.*, without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Response to Arguments

2.   Applicant's arguments, filed 09/19/2007, with respect to the rejection(s) of

claim(s) 1-34 under the Office Action dated 07/11/2007 have been fully considered and

are persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1, 3-6, 26-31 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Jensen, (US Publication No. 2002/0186653).

Regarding claims 1, 26-27 and 33, Jensen teaches receiving user input specifying an operation to perform on the cluster as a whole [paragraphs 14 and 18, user input as programmed instructions]; and automatically performing the specified operation on one or more of the active routers in the cluster by transforming the specified operation into one or more device-specific operations for each of the one or more active routers [paragraphs 22 and 27]; wherein the user input specifies a configuration command for the cluster [paragraph 27]; automatically communicating the configuration command to each of the active routers in the plurality of active routers [paragraph 27]; further wherein the cluster comprises a first switch device, a plurality of active routers, one or more standby routers, and a second switch device [paragraphs 7, 10, lines 18-22, 12 and 13, lines 8-18].

Regarding claims 3 and 28, Jenson teaches subscribing a management process to an event bus; subscribing each of the active routers to the event bus; and publishing the configuration command in an event on the event bus [paragraph 28].

Regarding claims 4 and 29, Jenson teaches receiving the event; extracting the

configuration command from the event; and presenting the configuration command to a

native console [paragraph 28].

Regarding claims 5 and 30, Jenson teaches the configuration command is a

configuration load command [paragraph 27].

Regarding claims 6 and 31, Jenson teaches the configuration command is a

configuration execution command [paragraph 25].

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 7, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jensen as applied to claims 1, 27 and 33 above, and further in view of Raab et al.,

(US Patent No. 5,751,967), (hereinafter Raab).

Regarding claims 7, 32 and 34, Jensen does not specifically disclose the user input is

received in a graphical user interface, and further comprising the step of displaying an

execution log for the configuration command within the same graphical user interface in

which the user input is received. However, Raab, discloses a graphical user interface

with data items populating tables [Raab, column 6, lines 16-20]. It would have been

obvious to one having ordinary skill in the art at the time the invention was made to

incorporate a GUI to display information in order to incorporate a user friendly interface.

7.   Claims 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Arquie et al., (US Patent No. 6,636,239), (hereinafter Arquie), and further in view of

Jensen.

Regarding claims 8 and 11, Arquie discloses receiving first user input in a user interface

(UI) that identifies a first switch device and a second switch device [Arquie, column 4,

lines 4-25 and figure 3], receiving second user input in the UI that identifies a plurality of

network elements for a router stack [Arquie, column 4, lines 4-25, figure 3 and column

3, lines 20-25], receiving third user input in the UI that defines at least one first

connection of the first device in association with at least one network element in the

stack, and at least one second connection of the second switch device in association

with the at least one network element in the stack [Arquie, column 4, lines 4-25, figure 3

and column 3, lines 20-25]; and associating the first, second, and third user input in an

object [Arquie, column 4, lines 4-25, figure 3 and column 3, lines 20-25]. Arquie does

not specifically disclose a cluster. However, Jensen, discloses a cluster [Jensen,

paragraph 9, lines 1-18] of network nodes and a network node may comprise a router or

a switch [Jensen, paragraph 7, lines 5-7]. It would have been obvious to one having

ordinary skill in the art at the time the invention was made to include clusters of network elements as a subsystem in order to monitor clusters as well as individual network elements.

Regarding claim 9, Arquie-Jensen further discloses receiving second user input that selects the first access icon [Arquie, column 4, lines 45-65]; generating and displaying a device operational overview [Arquie, column 4, lines 33-46] for devices in the cluster [Jensen, paragraph 9], a device status indicator [Arquie, column 4, lines 33-65], device connection information [Arquie, column 4, lines 33-65], failed connection information [Arquie, column 4, lines 33-65], and a second access icon for accessing information about connections of the first and second switch devices and the stack [Arquie, column 5, lines 27-45 and figure 9 and column 4, lines 55-65].

Regarding claim 10, Arquie further discloses receiving third user input that selects the second access icon [Arquie, column 4, lines 45-65]; generating and displaying a connection operational [Arquie, column 4, lines 45-65] overview for connections of the cluster [Jensen, paragraph 9], wherein the connection operational overview comprises, for each connection of the stack, a connection status indicator and one or more values of attributes associated with the connection [Arquie, column 4, lines 45-65].

Regarding claim 12, Arquie further discloses receiving information specifying that a network element in the cluster has failed [Arquie, column 4, lines 55-65]; based on the

cluster object, selecting a substitute network element from among one or more available

network elements from the router stack [Arquie, column 4, lines 47-54]; receiving

connection configuration information from the identified network element [Arquie,

column 4, lines 55-65]; and based on the connection configuration information, re-

configuring the substitute network element and the first and second switch devices

associated with the identified network element, wherein the re-configuring causes the

first and second switch devices to change one or more connections from the identified

network element to the substitute network element [Arquie, column 4, lines 55-65].

Regarding claim 13, Arquie further discloses creating one or more sets of commands to

configure the one or more switch devices [Arquie, column 5, lines 27-45 and figure 9];

and publishing a configuration load event that includes the commands and that targets

only the one or more switch devices associated with the identified and substitute

network elements [Arquie, column 5, lines 27-45 and figure 9].

Regarding claim 14, Arquie further discloses at each of the one or more switch devices,

processing the particular set of commands, wherein processing includes causing the

one or more switch devices to change the one or more connections from the identified

network element to the substitute network element [Arquie, column 5, lines 27-45 and

figure 9]; and at each of the one or more switch devices, publishing a configuration

complete event to acknowledge completing the processing of the particular set of

commands [Arquie, column 5, lines 27-45 and figure 9].

Regarding claim 15, Arquie further discloses the third user input includes information

defining a set of commands used to reconfigure at least one switch device from the

plurality o switch devices [Arquie, column 5, lines 27-45 and figure 9].

Regarding claim 16, Arquie further discloses the first, second and third user inputs are

stored persistently at a cluster manager [Arquie, column 5, lines 27-45 and figure 9];

and wherein each of the switch devices and the plurality of network elements

persistently stores startup configuration information, but does not store the first, second

and third user inputs [Arquie, column 5, lines 27-45 and figure 9 and Arquie, column 4,

lines 55-65].

Regarding claim 17, Arquie further discloses the second user input comprises

information identifying one or more network elements from the plurality of network

elements as back-up network elements [Arquie, column 4, lines 55-65 and column 3,

lines 50-57].

Regarding claim 18, Arquie-Jensen further discloses the second user input comprises

information identifying one or more network elements from the plurality of network

elements as stand-by network elements [Jensen, paragraph 10].

Regarding claim 19, Arquie further discloses the step of receiving a fourth user input in

the UI that modifies information received in the second and third user inputs [Arquie,

column 4, lines 55-65 and column 3, lines 50-57].

Regarding claim 20, Arquie further discloses the step of receiving a fourth user input in

the UI that identifies the at least one network element as removed from the plurality of

network elements [Arquie, column 4, lines 55-65 and column 3, lines 50-57].

Regarding claim 21, Arquie further discloses the step of receiving a fourth user input in

the UI that disassociates at least one switch device with at least one network element

from the plurality of network elements [Arquie, column 4, lines 55-65 and column 3,

lines 50-57].

Regarding claim 22, Arquie-Jensen further discloses the first, second, and third user

inputs define a logical stack object [Jensen, paragraph 9], wherein the logical stack

object is identified by a stack name [Arquie, column 4, lines 55-65 and column 3, lines

50-57] and represents a logical grouping of at least two switch devices and at least one

network element [Jensen, paragraph 9].

Regarding claim 23, Arquie-Jensen further discloses the step of receiving a fourth user

input in the UI [Arquie, column 5, lines 27-45 and figure 9 and Arquie, column 4, lines

55-65] that requests sending a command to all switch devices and all network elements

[Arquie, column 5, lines 27-45 and figure 9 and Arquie, column 4, lines 55-65]

represented by the logical stack object [Jensen, paragraph 9].

Regarding claim 24, Arquie-Jensen further discloses an input mechanism for receiving

user input [Arquie, column 4, lines 55-65], wherein the user input includes: a first user

input that identifies a plurality of switch devices [Jensen, paragraph 9] in a logical stack

object [Arquie, column 4, lines 55-65 and column 3, lines 50-57] that represents the

network device cluster [Jensen, paragraph 9]; a second user input [Arquie, column 4,

lines 55-65] that identifies a plurality of network elements in the network device cluster

[Jensen, paragraph 9]; and a third user input that associates at least one switch device

from the plurality of switch devices with at least one network element from the plurality

of network elements [Arquie, column 4, lines 55-65 and column 3, lines 50-57]; and an

execute mechanism for causing re-provisioning of real network elements that are

represented by the logical stack object [Arquie, column 5, lines 27-45 and figure 9 and

Arquie, column 4, lines 55-65].

Regarding claim 25, Arquie further discloses identifying a network element that has

failed [Arquie, column 4, lines 55-65]; selecting a substitute network element from

among one or more available network elements from the plurality of network elements

[Arquie, column 4, lines 45-65]; receiving connection configuration information from the

identified network element [Arquie, column 4, lines 45-65]; and based on the connection

configuration information, re-configuring the substitute network element and the one or

more switch devices associated with the identified network element, wherein the re-configuring causes the one or more switch devices to change one or more connections from the identified network element to the substitute network element [Arquie, column 4, lines 55-65].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 9:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
01/16/2008

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145